

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

CMFG LIFE INSURANCE COMPANY,
CUMIS INSURANCE SOCIETY, AND
MEMBERS LIFE INSURANCE COMPANY,

Plaintiffs,

vs.

J.P. MORGAN SECURITIES, LLC, BEAR,
STEARNS & CO. (n/k/a J.P. MORGAN
SECURITIES, LLC), WAMU CAPITAL
CORP., and J.P. MORGAN CHASE BANK,
N.A. (as successor in interest to WAMU
CAPITAL CORP. and WASHINGTON
MUTUAL BANK),

Defendants.

Case No. 13-cv-00580-wmc

**JOINT REQUEST FOR ORDER
DESIGNATING FIRST AMENDED COMPLAINT AS OPERATIVE PLEADING
FOR DETERMINATION OF DEFENDANTS' MOTION TO DISMISS**

On January 23, 2014, the Court ordered Plaintiffs CMFG Life Insurance Company, CUMIS Insurance Society, Inc., and MEMBERS Life Insurance Company (collectively, "CUNA Mutual") to "file and serve an amended complaint containing good faith allegations sufficient to establish complete diversity of citizenship for purposes of determining subject matter jurisdiction under 28 U.S.C. § 1332." Order, Dkt. No. 34 at 3. Consistent with that Order, CUNA Mutual has filed contemporaneously with this request a First Amended Complaint directed against Defendants J.P. Morgan Securities LLC, Bear, Stearns & Co., WaMu Capital Corp. and J.P. Morgan Chase Bank, N.A. (collectively, "Defendants").

The First Amended Complaint is identical to CUNA Mutual's original Complaint in all respects but one: Consistent with the Court's Order, Paragraph 135 of the pleading has been amended to reflect that Defendant J.P. Morgan Securities, LLC has one member, J.P. Morgan Broker-Dealer Holdings Inc., a Delaware corporation with its principal place of business in New York. Because Defendants do not contest the accuracy of the new allegations contained in Paragraph 135, the parties hereby jointly request that, in the event the Court determines it has subject matter jurisdiction over this case, the Court enter an order designating Defendants' Motion to Dismiss filed November 8, 2013, Dkt. No. 15, and both parties' briefing related to that Motion, as directed to CUNA Mutual's First Amended Complaint, and ordering that neither additional briefing of that Motion, nor an additional motion to dismiss, be required.

Dated: February 6, 2014

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